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AN ACT  
RELATING TO EDUCATION; ENACTING THE INDIAN EDUCATION ACT;  
PRESCRIBING POWERS AND DUTIES; CREATING A FUND; REPEALING  
AND ENACTING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"SHORT TITLE. -- This act may be cited as the "Indian Education Act". "

Section 2. A new section of the Public School Code is enacted to read:

"PURPOSE OF ACT. -- The purpose of the Indian Education Act is to:

- A. ensure equitable and culturally relevant learning environments, educational opportunities and culturally relevant instructional materials for American Indian students enrolled in public schools;
- B. ensure maintenance of native languages;
- C. provide for the study, development and implementation of educational systems that positively affect the educational success of American Indian students;
- D. ensure that the department of education partners with tribes to increase tribal involvement and control over schools and the education of students located

1 in tribal communities;

2 E. encourage cooperation among the educational  
3 leadership of Arizona, Utah, New Mexico and the Navajo  
4 Nation to address the unique issues of educating students in  
5 Navajo communities that arise due to the location of the  
6 Navajo Nation in those states;

7 F. provide the means for a formal government-to-  
8 government relationship between the state and New Mexico  
9 tribes and the development of relationships with the  
10 education division of the bureau of Indian affairs and other  
11 entities that serve American Indian students;

12 G. provide the means for a relationship between  
13 the state and urban American Indian community members to  
14 participate in initiatives and educational decisions related  
15 to American Indian students residing in urban areas;

16 H. ensure that parents; tribal departments of  
17 education; community-based organizations; the department of  
18 education; universities; and tribal, state and local  
19 policymakers work together to find ways to improve  
20 educational opportunities for American Indian students;

21 I. ensure that tribes are notified of all  
22 curricula development for their approval and support;

23 J. encourage an agreement regarding the  
24 alignment of the bureau of Indian affairs and state  
25 assessment programs so that comparable information is

1 provided to parents and tribes; and

2 K. encourage and foster parental involvement in  
3 the education of Indian students. "

4 Section 3. A new section of the Public School Code is  
5 enacted to read:

6 "DEFINITION. --As used in the Indian Education Act,  
7 "tribe" means an Indian nation, tribe or pueblo located  
8 within New Mexico. "

9 Section 4. A new section of the Public School Code is  
10 enacted to read:

11 "STATE BOARD-- TRIBES-- RULEMAKING. --The state board, in  
12 consultation with tribes, may adopt and promulgate rules to  
13 implement the provisions of the Indian Education Act. "

14 Section 5. A new section of the Public School Code is  
15 enacted to read:

16 "INDIAN EDUCATION DIVISION-- CREATED-- ASSISTANT  
17 SUPERINTENDENT-- DUTIES. --

18 A. The "Indian education division" is created  
19 within the department of education. The state  
20 superintendent shall appoint an assistant superintendent for  
21 Indian education, who shall direct the activities of the  
22 division.

23 B. The Indian education division shall:

24 (1) provide assistance to school districts  
25 and tribes to meet the educational needs of American Indian

1 students;

2 (2) provide assistance to school districts  
3 and tribes in the planning, development, implementation and  
4 evaluation of curricula in native languages, culture and  
5 history designed for American Indian students;

6 (3) provide assistance to school districts  
7 and tribes to develop curricula and instructional materials  
8 in native languages, culture and history in conjunction and  
9 by contract with native language practitioners and tribal  
10 elders, unless the use of written language is expressly  
11 prohibited by the tribe;

12 (4) establish an Indian education advisory  
13 council;

14 (5) by January 2006, enter into agreements  
15 with each tribe or authorized tribal educational entity to  
16 share programmatic information and to coordinate technical  
17 assistance for public schools that serve American Indian  
18 students;

19 (6) seek funds to establish an Indian  
20 education office in the northwest corner of the state to  
21 implement agreements with each tribe or authorized tribal  
22 educational entity, monitor the progress of American Indian  
23 students and coordinate technical assistance at the public  
24 schools that serve American Indian students;

25 (7) require school districts to obtain a

1 signature of approval by the tribal governments or tribal  
2 government designees residing within school district  
3 boundaries, verifying that the tribes agree to Indian  
4 education policies and procedures pursuant to federal  
5 requirements; and

6 (8) seek funds to establish, develop and  
7 implement the following support services for the purposes of  
8 increasing the number of American Indian teachers and  
9 principals and providing continued professional development  
10 for educational assistants, teachers and principals serving  
11 American Indian students, in conjunction with the Indian  
12 education advisory council:

- 13 (a) recruitment and retention;
- 14 (b) academic transition programs;
- 15 (c) academic financial support;
- 16 (d) teacher preparation;
- 17 (e) teacher induction; and
- 18 (f) professional development;

19 (9) develop curricula to provide  
20 instruction in tribal history and government and develop  
21 plans to implement these subjects into history and  
22 government courses in school districts throughout the state;

23 (10) ensure that native language bilingual  
24 programs are part of a school district's professional  
25 development plan, as provided in Section 22-2-2 NMSA 1978;

1 and

2 (11) develop a plan to establish a post-  
3 secondary investment system for Indian students to which  
4 parents, tribes and the state may contribute. "

5 Section 6. A new section of the Public School Code is  
6 enacted to read:

7 "ADVISORY COUNCIL. --

8 A. The "Indian education advisory council" shall  
9 consist of fourteen members as follows:

10 (1) four representatives from the Navajo  
11 Nation;

12 (2) two representatives, one from the  
13 Mescalero Apache Tribe and one from the Jicarilla Apache  
14 Nation;

15 (3) four representatives, two from the  
16 southern pueblos and two from the northern pueblos; and

17 (4) four members representing urban areas,  
18 the bureau of Indian affairs, head start organizations and  
19 the general public, at least one of whom shall be non-  
20 Indian, but all of whom shall have knowledge of and  
21 involvement in the education of Indian students.

22 B. On a semiannual basis, representatives from  
23 all tribes, members of the state board, the governor's  
24 office, the New Mexico office of Indian affairs, the  
25 legislature, the state superintendent and the Indian

1 education advisory council shall meet to assist in  
2 evaluating, consolidating and coordinating all activities  
3 relating to the education of American Indian students.

4 C. Members of the Indian education advisory  
5 council may receive per diem and mileage as provided for  
6 nonsalaried public officers in the Per Diem and Mileage  
7 Act. "

8 Section 7. A new section of the Public School Code is  
9 enacted to read:

10 "REPORT. --

11 A. The Indian education division in  
12 collaboration with the education division of the bureau of  
13 Indian affairs and other entities that serve American Indian  
14 students shall submit an annual statewide American Indian  
15 education status report to all tribes.

16 B. A school district with tribal lands located  
17 within its boundaries shall provide a districtwide American  
18 Indian education status report to all tribes represented  
19 within the school district boundaries.

20 C. The status reports shall be written in a  
21 brief format and shall include the following information,  
22 through which public school performance is measured and  
23 reported to the tribes:

24 (1) student achievement as measured by a  
25 statewide test approved by the state board, with results

1 disaggregated by ethnicity;

2 (2) school safety;

3 (3) the dropout rate;

4 (4) attendance;

5 (5) parent and community involvement;

6 (6) educational programs targeting American

7 Indian students;

8 (7) financial reports;

9 (8) current status of federal Indian  
10 education policies and procedures;

11 (9) school district initiatives to decrease  
12 the number of student dropouts and increase attendance;

13 (10) public school use of variable school  
14 calendars; and

15 (11) school district consultations with  
16 parent advisory committees. "

17 Section 8. A new section of the Public School Code is  
18 enacted to read:

19 "FUND CREATED. --

20 A. The "Indian education fund" is created in the  
21 state treasury. The fund consists of appropriations, gifts,  
22 grants and donations and income from investment of the fund.  
23 Money in the fund shall not revert to any other fund at the  
24 end of a fiscal year. The fund shall be administered by the  
25 department of education, and money in the fund is

1 appropriated to the department to distribute awards to  
2 support the Indian Education Act.

3 B. The department of education shall develop  
4 procedures and rules for the award of money from the fund.  
5 Disbursement of the fund shall be made by warrant of the  
6 department of finance and administration pursuant to  
7 vouchers signed by the state superintendent. "

8 Section 9. REPEAL. -- Sections 22-2-11 through 22-2-13  
9 NMSA 1978 (being Laws 1975 (1st S.S.), Chapter 8, Sections 1  
10 through 3) are repealed. \_\_\_\_\_

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